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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,801	07/10/2001	David Hugh Muir	29757/P-396	7920

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EXAMINER

ENATSKY, AARON L

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 06/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/901,801

Applicant(s)

MUIR, DAVID HUGH

Examiner

Aaron L Enatsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: Applicant improperly uses Trademark items found in the specification on page 8. All references to Trademarks need to be properly identified throughout the specification.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant requires using a plurality of linked tables to define data of a search path. The requirement of tables of data does not point out or distinguish the claimed limitations as tables are merely symbolic in nature to define stored data. Thus, Examiner will treat the tables as predetermined data stored in memory for comparison use in determining how to align an electronic display.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 10, 13-15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Buckely et al '756 (Hereafter, Buck). Buck teaches an electronic display testing and alignment system. The aforementioned system displays an alignment object with electronically distinguishable regions defined by video patterns, with multiple different detectable characteristics such as color/hue, focus, and luminance. The regions and the region characteristics are electronically distinguished through the use of CCD cameras (1:19-2:8). The adjustments are made automatically by a computer running the test and alignment procedures (1:64-67).

3. Claims 5, 8, and 16-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Webb et al. '504 (Hereafter, Webb). Webb teaches an automatic electronic display testing and alignment system. The aforementioned system displays an alignment object with electronically distinguishable regions defined by video patterns, with multiple different detectable characteristics. The regions and the region characteristics are electronically distinguished through the use a single camera (2:13-37 and Fig. 1). Webb also discloses having search rules to adjust display alignment (Fig. 11) following a dynamically determined path shown as following subsequent pixels during search rule implementation (Fig. 3 and 4) and a plurality of stored values indicating coordinates of a predetermined alignment object which is used for comparison of the captured alignment object (14:46-48) to determine whether correct alignment tolerances have been reached.

***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb.

Webb discloses the claimed limitations as previously discussed, but does not teach following a pre-determined path of an alignment object to determine electronic display adjustment. However, as discussed above, Webb does disclose determining a dynamic path of an alignment object for display adjustment and comparing the captured image of the alignment object for alignment tolerance. Webb's disclosure provides motivation to have predetermined paths for display adjustment since coordinate tolerances of the alignment object are predetermined. Having predetermined coordinated tolerances to compare to a captured alignment object allows one to predetermine a systematic approach to adjust the display, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to create predetermine specific paths to follow when adjusting the alignment object.

6. Claim 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rysavy et al. '935 (Hereafter, Rysavy) in view of Webb. Rysavy teaches of a manual process for aligning a touch screen display for solving the well-known issue of display degradation and drift (Abstract and 1:13-35), but does not teach the use of automatic display alignment. Webb teaches the claimed limitations as discussed above with regard to display alignment, but does not teach alignment of a touch-panel screen. The inventions are related with respect to having electronic displays and display adjustment issues. Therefore, one of ordinary skill in the art at the time the

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invention was made would have been motivated to modify Rysavy to include the display alignment techniques of Webb which would allow for an automated, fast, and cost effective display alignment mechanism (Webb 2:1-10) eliminating the manual adjustment process of Rysavy.

7. Claims 11-12, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson '397 in view of Rysavy further in view of Webb. Dickinson teaches of a variety of electronic video games that maybe played in conjunction with a touch-panel display screen (1:10-35), but does not teach aspects of display alignment. As Dickinson teaches the use of a touch screen displays, the need is obviated to have at minimum, periodic display screen adjustments. Therefore it would have been obvious to one of ordinary skill in the art at the time to modify the touch screen game system by Dickinson to include the touch screen alignment system of Rysavy in view of Webb to provide a consistent gaming interface experience for game players.

It is the further view of the Examiner that the games and gaming aspects required by Applicant are considered nominal recitations.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Webb et al. '833 discloses an automated monitor alignment system using a coordinate system.

MacDonald et al. '932 discloses a photo-detector image analysis apparatus for assistance in display calibration.

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Lee '251 discloses a pattern recognizer in an automatically adjusting image display system.

Duschl '272 discloses a monitor intensity-measuring device using CCD cameras.

Yokoi '733 discloses a game device that recognizes image characteristics on a display screen.

Huber '188 discloses a display overlay device with an automated alignment to an underlying display.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9302 for regular communications and 703-746-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ale  
June 10, 2002

  
**JESSICA HARRISON**  
**PRIMARY EXAMINER**